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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,023	04/07/2004	Guangqiang Jiang	A369-USA	9230

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SCIENTIFIC RESEARCH
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EXAMINER

SAVAGE, JASON L

ART UNIT	PAPER NUMBER
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1775

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

5

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/821,023	Applicant(s) JIANG ET AL.	
	Examiner Jason L. Savage	Art Unit 1775	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-13.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


JENNIFER MCNEIL
PRIMARY EXAMINER
 2/17/06

Continuation of 5. Applicant's reply has overcome the following rejection(s): the objections to the specification have been withdrawn in light of the currently submitted amendments to the specification..

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are based on the fact that Chang does not exemplify a specific embodiment wherein a titanium part and stainless steel part are joined by the claimed filler material comprising nickel and titanium foil layers. Applicant argues that since Chang does not have a specific teaching with the claimed combination, that the reference teaches away from the combination making it non-obvious. Applicant further argues that although Chang teaches titanium parts and stainless steel parts may be bonded with the claimed filler, it would be too great of a leap to make the assumption that one of ordinary skill in the art would find it obvious to bond a titanium part to a stainless steel part using the same filler.

Chang teaches that the composite filler is suitable for use in bonding metal component parts consisting of Ti, Fe or Ni based alloys (col. 2, ln. 38-45 and col. 5, ln. 41-56). While Chang does not explicitly recite that a component part consisting of one metal is bonded to a component part of another metal, such combinations of joining dissimilar materials via a bonding/brazing filler material are well known by those of ordinary skill in the art. The admitted prior art recitation in presently canceled claim 30 that bonding stainless steel parts to titanium parts with a filler material shows that Applicant regarded such combinations of materials as being well known to those of ordinary skill in the art. As such, Applicant's argument is not persuasive.

Applicant further argues that the Rejection of claim 13 over Chang in view of Cusano is overcome since it does not teach stainless steel or titanium and argues that Cusano is not analogous to the present invention. However, as was recited in the Final Rejection, Cusano was merely provided as a teaching that it is known to provide bonding or brazing materials in foil or particulate form. Applicant admitted on page 5 of the response filed 10-03-05 that it is well known to those skilled in the art to apply the bonding agent/brazing filler metal in the form of foil or in the form of particulate. As such, the limitations in claim 13 would have been obvious over Chang in view of Cusano's teaching and Applicant's admission that providing the filler in the form of particulates as opposed to the foil layers taught by Chang is well known to those skilled in the art.

Applicant argues that the claim rejections over the admitted prior art of Jiang in view of Chang should be overcome for the same reasons set forth in the argument to Chang above. Applicant reiterates that Chang does not teach a titanium part bonded to a stainless steel part. Applicant further argues that since Chang could have taught such a combination, but did not, it constitutes a teaching away from the present invention. This argument is not persuasive. The admitted art of Jiang teaches that composites comprising titanium parts bonded to stainless steel parts via a filler material is known. Chang teaches a composite filler material and exemplifies embodiments wherein the filler is used to bond with titanium and stainless steel parts although it does not teach the combination. As such, one of ordinary skill would find it obvious to have modified the composites of titanium bonded to stainless steel via a filler material by using the composite filler of Chang with a reasonable expectation of success. One would have been motivated to make such a modification in order to provide lower melting point fillers which could be useful in reducing the effect of heat on the microstructure and mechanical properties of the composite comprising a titanium part bonded to a stainless steel part.